Reply to Alec Karakatsanis
Christopher Lewis and Adaner Usmani
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The United States strikes a very different balance between imprisonment and policing than the rest of the developed world. It incarcerates around 20 to 30 people for every ten police officers it employs. In other developed countries, this number is around 3.[1] In '[The Injustice of Under-Policing in America](),' we proposed that the US move towards the balance we see in other countries. This would require reducing prison and jail populations by about 85%—which we propose to do by radically cutting sentence lengths for most imprisonable offenses—and using the resulting savings to increase the size of the police force by around 500,000.[2] Ours is a revenue-neutral proposal that state governments could implement even in the absence of the kind of social democratic redistribution that would address the root causes of most crime.

Both of us support this kind of redistribution. We are both socialists: our central concern has always been the plight of the most disadvantaged. We have each independently been writing about mass incarceration for several years. One of us (Chris) has argued that the incentives disadvantaged people (and those with prior convictions) have to commit crime in an unequal society should be treated as a mitigating factor at sentencing.[3] One of us (Adaner) has argued that the overdevelopment of America's penal system is a symptom of the underdevelopment of its welfare state.[4] As scholars, we are driven by our belief that the United States fails its poorest people, and especially its poorest Black people. We therefore both support efforts to transform the United States into a much more equal country.

Both of us also think that those efforts will require the mobilization of the poor and the working class. Today, unfortunately, this seems a distant prospect. Further, any

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[1] For more on the police numbers, see below. Depending on which estimate you use, this number is as low as 21 or as high as 35. Today, due to the large decline in the prison population, it has dropped lower, but this drop post-dates the policing data we use in our article and this reply.

[2] In the piece we used data from 2019. Since 2019, however, there has been a drop in the prison population. Accounting for this decline changes the details of the proposal, but not the basic idea. Our most recent calculations suggest that we should cut the prison population by around 80%, and use the savings to hire around 400,000 more police officers.

[3] Christopher Lewis, "Inequality, Incentives, Criminality and Blame," *Legal Theory* 22, no. 2 (June 2016): 153–80, https://doi.org/10.1017/S1352325217000052.

[4] John J. Clegg and Adaner Usmani, "The Economic Origins of Mass Incarceration," *Catalyst* 3, no. 3 (December 2019): 9–46.

resulting policy effort will happen at the federal level. Because of this, we are committed to thinking about what justice demands of state and local governments in today's political climate. These governments cannot do much about concentrated disadvantage, yet they have made most of the decisions about policing and punishment that have given us mass incarceration.

Our argument in 'The Injustice of Under-Policing' reflected all of these commitments. We seek to bring the tools of empirical social science and analytical moral and political philosophy to bear on the burdens of crime, punishment, and policing in today's United States. We hoped that people who disagreed with us would respond to the facts and arguments we presented with some of their own.

To a large extent, that has happened. We have presented the argument of the piece and the book on which it's based to dozens of students and academics. Almost without exception, the exchanges have been amicable and productive. We have changed our views on specific questions several times, and these changes are reflected in the revisions we have been making to our book since our essay on under-policing was published in August of 2022.

Sometimes these exchanges are less productive. In a recent Substack newsletter and Twitter thread, the lawyer Alec Karakatsanis has raised a number of objections. Most of these are unserious, and so we would have preferred to ignore them. But because his accusations of scholarly malpractice have garnered some attention, it has seemed necessary to set the record straight.

How to Count Police

The main accusation is that we miscount the number of police in the United States. This seems to have struck a chord with readers. Since Karakatsanis quotes very misleadingly from our email exchange and the average reader doesn't have the tools or the data to adjudicate the issue themselves, this is not surprising. Yet as we explained to Karakatsanis by email, the criticism has no weight. All reasonable decisions about how to measure the number of police in the United States lead to the same conclusions. This is for two reasons.

First, our proposal that the United States should radically reduce the incarcerated population and use the savings to hire more police officers has nothing to do with this measurement issue. Rather, it mainly rests on three other premises:

1. Increasing police force sizes is a much more effective way to prevent crime than keeping people in jail or prison for a long time.

2. Most incarcerated people in the U.S. are locked up for a grossly unfair amount of time.
3. There are no feasible social policy alternatives that can prevent crime nearly as efficiently as policing.

Premise (1) is supported by the theoretical and empirical literature on deterrence. Premise (2) is supported by normative arguments developed in more detail in our book. And Premise (3) is a corollary of The Efficiency-Feasibility Paradox, which we summarize in the paper and defend in other forthcoming work.

Second, our description of the cross-national patterns is robust to any reasonable estimate of the number of police in the US. Karakantsis seems outraged by the fact that we didn't say that we were 100% certain of the estimate we chose. But science is full of imperfect choices. The perfect is almost always the enemy of the useful. The key step, when confronted with an imperfect choice, is to ask whether other choices lead to different conclusions. If they do, you have to return and agonize about which imperfect choice is best. But if they don't, you can stop agonizing. In this case, whether you choose the lowest or highest reasonable estimate of the number of police in the US, the following two descriptive conclusions still obtain:

1. The United States employs around the same number of police officers per capita as the median developed country
2. The United States employs far fewer police officers per homicide than the average developed country.

In the piece we use a count of 697,195 to reach these conclusions. This is the FBI's count of the number of police officers (excluding civilian employees) in the United States in 2019. We used this estimate because it was (1) up to date; (2) easy to link to in the original replication code; (3) close to the less recent estimate we had from the United Nations Office of Drugs and Crime (670,279 in 2017), which is an international body that collects comparative statistics on crime and punishment.

The reason to trust the UN's estimates for cross-national comparisons is that all reports to the UN follow a consistent definition of what a police officer is ('personnel in public agencies whose principal functions are the prevention, detection and investigation of crime and the apprehension of alleged offenders. Data concerning support staff (secretaries, clerks, etc.) [are] excluded.').[5] This makes counts comparable to counts from other countries.

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[5] See p. 114 of [this document](#).

That said, the FBI's estimate doesn't cover the whole US population and it also doesn't include federal police. So, one could adjust it upwards to account for both problems, yielding a count of about ~900,000.[6] Or, higher still, one could use the Census, which reports a count of 1,088,027 people reporting that they were employed as 'police' in 2019. Note that for cross-national comparison, the Census count is almost certainly an overcount, since it likely includes support staff that are not 'police' on the UNODC definition.[7]

But, as Figure 1 below shows, this is a case where there is no need to agonize about the right choice. **Whichever estimate you choose, the police/homicide ratio in the United States is much lower than the police/homicide ratio in the rest of the developed world.** In our essay, we used the UCR estimate to say that America has about one-ninth (~11.3%) the number of police officers, per homicide, of the median developed country. This is almost identical to the UNODC estimate (~12%).[8] The higher Census estimate suggests somewhere between one-fifth and one-sixth (~18%). And even if the US hired the additional police officers we propose, the figure would still just be around one-fourth (~25%). This would still be the lowest police/homicide ratio in the developed world.[9]

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[6] To see replication code for this reply, see https://bit.ly/ajlealec_replicationcode
[7] Karakatsanis reports that we told him the number was 1,227,788. We did tell him this, but this was because we accidentally counted retired and unemployed officers when emailing with him.
[8] The UNODC count of police is lower, but it dates to 2017, when the homicide rate was also lower.
[9] The median developed country has around 310 police per homicide. The US today has around 20,000 homicides a year, and (at most) around 1 million police officers (i.e., a police/homicide ratio of around 50).

Figure 1
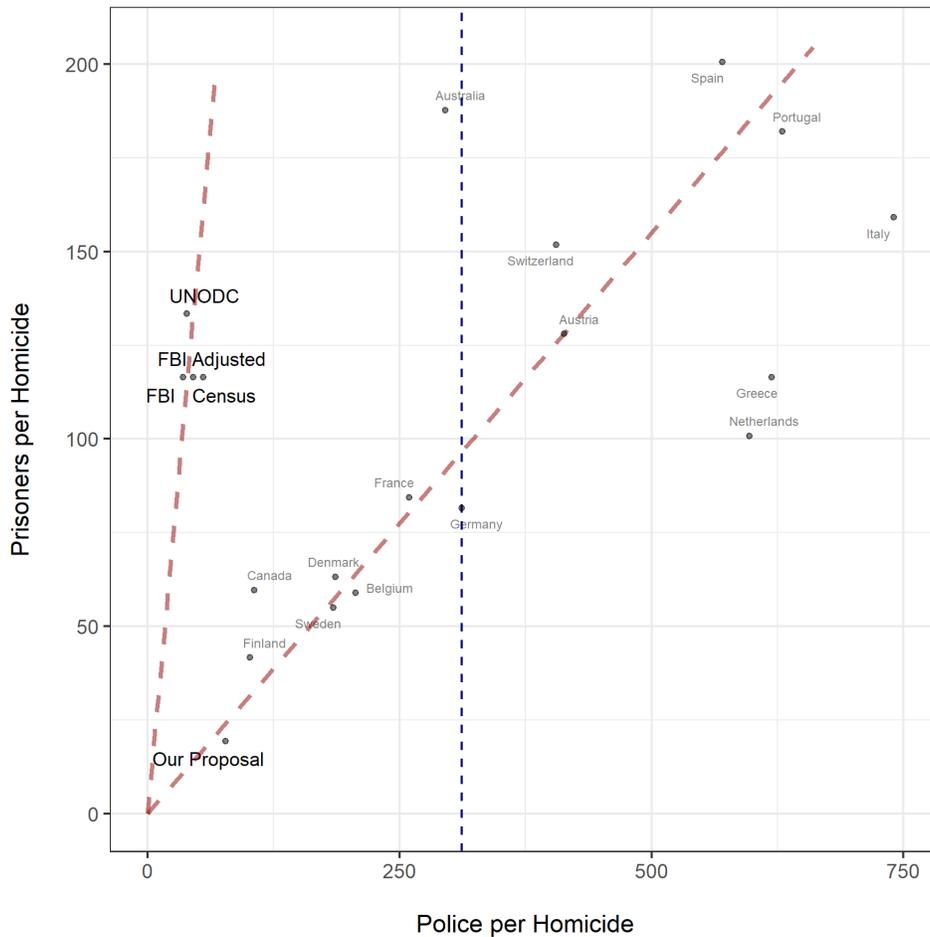
This graph shows how the police/homicide ratio is affected by one's choice of measure. The vertical dashed line shows the median police/homicide ratio in this sample of developed countries. The point marked 'FBI' is the estimate we used in the piece. The 'UNODC', 'FBI Adjusted', and 'Census' points are all alternative estimates of the police count. 'Our Proposal' is our estimate of where the US would lie if it implemented our suggestions in the paper. The UNODC estimate is from 2017, which is why the prisoner/homicide ratio is different in that year. All data for other countries are also UNODC counts.

Of course, Karakatsanis argues that the police/homicide ratio is misleading, since he thinks that homicide overestimates the rate of serious crime in the United States. This is a reasonable issue to disagree about, and one we address at length in forthcoming work. Here we would just repeat that (1) nothing in our normative argument rides on this choice; and that (2) the cross-national contrast that anchors

our essay would look similar even if we denominated policing by population. The UCR estimate suggests that the US has about 0.7 times the police/population ratio of the median developed country. The Census estimate suggests about 1.1 times. But, as everyone knows, the US has long had about 7 to 7.5 times the prisoner/population ratio of the median developed country. Thus, our central observation is robust to any choice about how to measure the denominator or the numerator: the way in which the American government divides its penal resources between policing and imprisonment is dramatically different from the way this is done in other developed countries.

Karakatsanis also makes a lot of the idea that there are 1.1 million private "police" in the US. But for comparative purposes, it is illicit to add this total to the US number without doing the same in other countries. More importantly, it is the wrong measure for policy. Private policing fills the gaps that the state leaves unfilled, but it does so in ways that favor those who can afford it. The distinctiveness of public policing is precisely that it is publicly-funded and thus potentially redistributive. In fact, one of the reasons that the US has fewer police is because US policing is a quasi-private good. Because policing is mostly funded by local governments, it is effectively something people purchase via their choices in the housing market. And thus, it is something which serves rich White people better than poor Black ones.[10]

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Karakatsanis raises other points in his reply. Like many others, he disagrees with us about the costs of policing. He is not wrong to say that the case for our proposal depends on how one estimates these costs. But the case for our proposal depends just as much on how one weighs the social and political costs of crime. Like the costs of policing, these costs are borne by the least well-off in our society. Crime, and especially violent crime in poor communities, has many of the same effects that Karakatsanis associates with policing: entrenching inequality, undermining social movements, fueling incarceration, and ruining lives in a wide variety of other ways.

In any case, we have no attachment to our proposal if someone can convince us that we are wrong. The tradeoff we identify is a difficult issue about which we are more than prepared to change our minds and engage in good faith debate. One of our collaborators, John Clegg, has studied the same data, pondered the same trade-offs, and come to a different conclusion. But Karakatsanis has done nothing

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[10] For more on this point, see David Thacher, "The Distribution of Police Protection," *Journal of Quantitative Criminology* 27, no. 3 (September 2011): 275–98, https://doi.org/10.1007/s10940-010-9125-3.

to sway us from our position. He has instead spent most of his energy trying to cast these disagreements as some kind of scandal or a violation of research ethics, on our part. He even goes so far as to suggest our research is dangerous or could cause harm.

These are bad arguments. Any research that has something to say about public policy can cause harm. This is no more true of our proposal than of the arguments of our critics. If we are wrong, then implementing our proposal will cause harm. But if we are right, then it is Karakatsanis and those who defend views like his who are causing harm. And so the central issue is just: are we right or or are we wrong?

The real shame of Karakatsanis' reply is that he has pandered to our intellectual culture's worst features. Students today too often graduate from college and graduate schools unable to engage people who disagree with them in good faith, or even to make the relevant counterarguments. Instead, they look to institutions to censor views which make them uncomfortable. This anti-intellectual tendency is a lamentable feature of our times. It undermines the integrity of scholarly discourse and, therefore, the research necessary for informed public policy.

We hope for better debates in the future.